

111TH CONGRESS
2D SESSION

H. R. 5342

To prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2010

Mr. BISHOP of Utah (for himself, Mrs. McMORRIS RODGERS, Mrs. LUMMIS, Mr. HERGER, Mr. YOUNG of Alaska, and Mr. CHAFFETZ) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) the purpose of the National Environmental
6 Policy Act of 1969 is to ensure that a Federal agen-
7 cy will carefully consider detailed information con-
8 cerning significant environmental impacts and make
9 the relevant information available to the public;

1 (2) isolating the specific causes of various cli-
2 matic changes is exceedingly difficult, if not impos-
3 sible, to achieve;

4 (3) the Council on Environmental Quality has
5 stated that—

6 (A) “it is not useful to attempt to link spe-
7 cific climatological changes, or the environ-
8 mental impacts thereof, to particular projects or
9 emissions, as such direct linkage is difficult to
10 isolate and to understand”; and

11 (B) there are “scientific limits to accu-
12 rately predicting climate change effects, espe-
13 cially of a short-term nature.”; and

14 (4) the National Environmental Policy Act of
15 1969 should not be used to document, predict, or
16 mitigate the climate effects of specific Federal ac-
17 tions.

18 **SEC. 2. USE OF NATIONAL ENVIRONMENTAL POLICY ACT**
19 **OF 1969 FOR CLIMATE CHANGE EFFECTS.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, compliance with the National Environmental
22 Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not re-
23 quire consideration of—

1 (1) the climate change effects or greenhouse
2 gas emissions of a proposed action and alternative
3 actions; or

4 (2) the relationship of climate change effects or
5 greenhouse gas emissions to a proposed action or al-
6 ternatives, including the relationship to proposal de-
7 sign, environmental impacts, mitigation, and adapta-
8 tion measures.

9 (b) OTHER AUTHORITIES.—The provisions of a
10 draft, proposed, or final results of any analysis, study,
11 mitigation measure, adaptation measure, environmental
12 impact statement or similar analysis, design proposal, ac-
13 tion, or alternative developed pursuant to the National
14 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
15 seq.) (including regulations) relating to climate change ef-
16 fects or greenhouse gas emissions shall not be the basis,
17 in whole or in part, for any enforceable measure or action
18 under any other provision of law.

19 (c) SAVINGS CLAUSE.—Nothing in this section pre-
20 empts or interferes with—

21 (1) any authority to consider the climate
22 change effects or greenhouse gas emissions effects of
23 proposed legislation or regulations specifically ad-
24 dressing greenhouse gas emissions; or

1 (2) any requirement to consider the potential
2 climate change effects or greenhouse gas emission
3 effects of proposals for agency action during plan-
4 ning or design processes under provisions of law
5 other than the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.).

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